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*#25<sup>00</sup>*  
*E 624521*

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

----- )  
 BRIAN FIELMAN, on behalf of himself and all )  
 others similarly situated, )

Plaintiff, )

v. )

PEPSICO, INC., THE PEPSI BOTTLING GROUP, )  
 INC., and PEPSI BOTTLING VENTURES LLC, )

Defendant. )  
 ----- )

Civil Action No. 07 CIV 6815 (CLB)

**MOTION TO ADMIT  
 COUNSEL PRO HAC VICE**

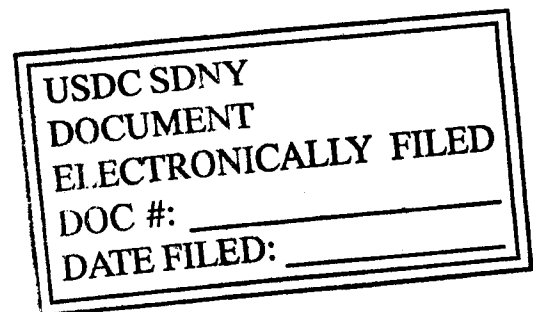
FILED  
 U.S. DISTRICT COURT  
 S.D. N.Y. W.P.  
 2007 SEP 12 P 2:50

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I, James M. Parrott, V, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission pro hac vice of:

Donald H. Tucker, Jr.  
 Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP  
 2500 Wachovia Capitol Center  
 Raleigh, North Carolina 27601  
 (919) 821-1220 (ph)  
 (919) 821-6800 (fax)

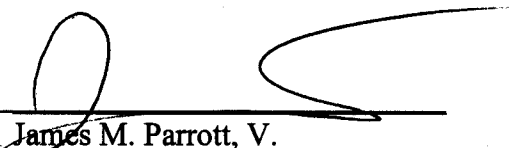
Donald H. Tucker, Jr. is a member of good standing of the Bar of North Carolina and of the United States District Court for the Eastern District of North Carolina as evidenced by the attached certificates of good standing. There are no pending disciplinary proceedings against Donald H. Tucker, Jr. in any State or Federal court.

Dated: September 11, 2007  
 Raleigh, North Carolina



Respectfully submitted,

By: \_\_\_\_\_

  
James M. Parrott, V.  
(JP 5297)

SMITH, ANDERSON, BLOUNT, DORSETT,  
MITCHELL & JERNIGAN, LLP

2500 Wachovia Capitol Center

P. O. Box 2611

Raleigh, North Carolina 27602

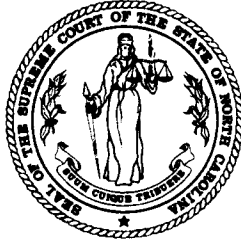
(919) 821-1220 (ph)

(919) 821-6800 (fax)

*Attorney for Defendant*

*Pepsi Bottling Ventures LLC*

# Supreme Court OF THE STATE OF NORTH CAROLINA



*I, Christie Speir Cameron, Clerk of the Supreme Court of North Carolina, do hereby certify that on August 18, 1984, license to practice as an Attorney and Counselor at Law in all the Courts of this State was issued by the North Carolina Board of Law Examiners to*

*DONALD H. TUCKER, JR.*

*according to the certified list of licentiates reported by the Secretary of said Board and filed in my office as required by statute.*

*To the date of this certificate, no order revoking said license has been filed with this Court and no order suspending same is in effect.*

*WITNESS my hand and the Seal of the Supreme Court of North Carolina at office in Raleigh, this* *September 7, 2007*

*Christie S. Cameron*

*Christie Speir Cameron  
Clerk of the Supreme Court  
of the State of North Carolina*

*UNITED STATES DISTRICT COURT*

*EASTERN DISTRICT OF NORTH CAROLINA*

**C E R T I F I C A T E   O F   G O O D   S T A N D I N G**

*I, Dennis P. Iavarone, Clerk of this Court,*

*certify that **Donald H. Tucker, Jr.**, Bar #12578,*

*was duly admitted to practice in this Court on*

*July 8, 1985, and is in good standing*

*as a member of the Bar of this Court.*

*Dated at Raleigh*

*on September 10, 2007.*

**Dennis P. Iavarone**

CLERK

*D. P. Iavarone*  
DEPUTY CLERK

**CERTIFICATE OF SERVICE**

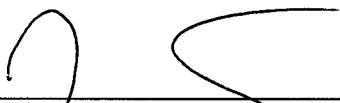
This is to certify that the undersigned this day served the foregoing documents upon all parties to this cause by depositing a copy thereof in the United States Mail, first class postage prepaid, addressed as follows:

Jeffrey A. Klafter  
Klafter & Olsen LLP  
1311 Mamaroneck Avenue, Suite 220  
White Plains, NY 10602  
*Attorney for Plaintiffs*

Andrew P. Bell  
Seth R. Lesser  
Locks Law Firm PLLC  
110 East 55th Street  
New York, NY 10022  
*Attorneys for Plaintiffs*

Lawrence I. Weinstein  
Louis M. Solomon  
Michael Lazaroff  
Proskauer Rose LLP (New York)  
1585 Broadway  
New York, NY 10036  
*Attorneys for Defendants PepsiCo, Inc.  
and Pepsi Bottling Group, Inc.*

This the 11<sup>th</sup> of September, 2007.

  
\_\_\_\_\_  
James M. Parrott, V.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- )  
BRIAN FIELMAN, on behalf of himself and all )  
others similarly situated, )

Plaintiff, )

v. )

PEPSICO, INC., THE PEPSI BOTTLING GROUP, )  
INC., and PEPSI BOTTLING VENTURES LLC, )

Defendant. )  
-----)

**07 Civ 6815 (CLB)**

**AFFIDAVIT OF  
JAMES M. PARROTT, V  
IN SUPPORT OF  
MOTION TO ADMIT  
COUNSEL PRO HAC VICE**

JAMES M. PARROTT, V, being duly sworn, deposes and says:

1. I am a member of the firm of Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P., attorneys for Defendant Pepsi Bottling Ventures LLC ("Defendant") in this action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Donald H. Tucker, Jr. as counsel pro hac vice to represent Defendant in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in New York on May 13, 2002. I am also admitted to the bar of the United States District Court for the Southern District of New York and am in good standing with this Court.

3. I have known Mr. Tucker since October, 2005.

4. Donald H. Tucker, Jr. is a partner with the firm of Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P. and is a member in good standing of the Bar of the State of North Carolina and of the United States District Court for the Eastern District of North Carolina.

5. Mr. Tucker is a skilled attorney and a person of integrity. He is experienced in Federal Practice and is familiar with the Federal Rules of Procedure.

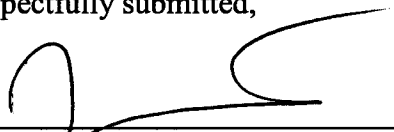
6. Accordingly, I am pleased to move the admission of Donald H. Tucker, Jr., pro hac vice.

7. I respectfully submit a proposed order granting the admission of Donald H. Tucker, Jr., pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE, I respectfully request that the Court grant Defendant's motion to admit Donald H. Tucker, Jr., pro hac vice, to act as counsel on behalf of Defendant in this action.

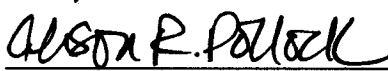
Dated: September 11<sup>th</sup>, 2007  
Raleigh, North Carolina

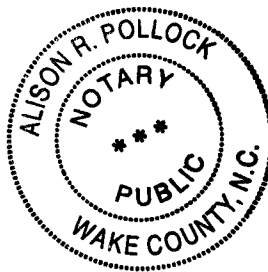
Respectfully submitted,

  
\_\_\_\_\_  
James M. Parrott, V  
JP - 5297

State of North Carolina  
County of Wake

Subscribed and sworn to before me this  
11<sup>th</sup> day of September, 2007.

  
Alison R. Pollock, Notary Public



My commission expires December 23, 2009.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BRIAN FIELMAN, on behalf of himself and all )  
others similarly situated, )

Plaintiff, )

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PEPSICO, INC., THE PEPSI BOTTLING GROUP, )  
INC., and PEPSI BOTTLING VENTURES LLC, )

Defendant. )  
-----)

**07 Civ 6815 (CLB)**

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of James M. Parrott, V, attorney for Defendant Pepsi Bottling Ventures LLC, and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Donald H. Tucker, Jr.  
Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP  
2500 Wachovia Capitol Center  
Raleigh, North Carolina 27601  
(919) 821-1220 (ph)  
(919) 821-6800 (fax)  
[dtucker@smithlaw.com](mailto:dtucker@smithlaw.com)

is admitted to practice pro hac vice as counsel for Defendant Pepsi Bottling Ventures LLC in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including Rules governing discipline of attorneys. This action has been assigned to the Electronic Case Filing (ECF) system; therefore counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.



Dated: September \_\_, 2007  
White Plains, New York

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United States District/Magistrate Judge